

AUG 22 2003



Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)

Approved for use through 10/31/2002 OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/073,256
Filing Date	February 13, 2002
First Named Inventor	Barry N. KREISWIRTH
Group Art Unit	1631
Examiner Name	C Ly
Attorney Docket Number	19124.0012

5

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Statement Claiming Small Entity Status	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Restriction Requirement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name      KENNETH Y. LO, Reg. No. 51,961  
 For: Edward A. Pennington, Reg. No. 32,588

Signature

Date

August 22, 2003

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: [ ]

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case.

Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

RECEIVED  
AUG 25 2003  
TECH CENTER

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003 Patent fees are subject to annual revision

- Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT**

(\$ 205)

Complete if Known	
Application Number	10/073,256
Filing Date	February 13, 2002
First Named Inv./Invtor	B N Kresswirth
Examiner Name	C D Ly
Group / Art Unit	1631
Attorney Docket No	19124 (012)

**METHOD OF PAYMENT (check all that apply)**

- Check  Credit card  Money  Other  None  
 Deposit Account

Deposit Account Number	13-5127
------------------------	---------

Deposit Account Name	Swidler Berlin Sherriff Friedman LLP
----------------------	--------------------------------------

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below.  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account

**FEES CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code (\$)	Fee (\$)	
1001	750	2001 375	Utility filing fee
1002	330	2002 165	Design filing fee
1003	520	2003 260	Plant filing fee
1004	750	2004 375	Reissue filing fee
1005	160	2005 80	Provisional filing fee

**SUBTOTAL (1)**

(\$ 0)

**2. EXTRA CLAIM FEES**

		Extra Claims	Fee from below	Fee Paid
Total Claims		-- = 0	X = 0	= 0
Independent Claims		-- = 0	X = 0	= 0
Multiple Dependent		X = 0		= 0

**SUBTOTAL (2)**

(\$ 0)

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code (\$)	Fee (\$)
1202	18	2202 9
1201	84	2201 42
1203	280	2203 140
1204	84	2204 42
1205	18	2205 9

**SUBTOTAL (2)**

(\$ 0)

\*\* or number previously paid, if greater. For Reissues, see above

**FEES CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity Small Entity**

Fee Code	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051 95	Surcharge - late filing fee or oath	
1052	50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053	130	151 130	Non-English specification	
1812	2,520	1812 2,520	For filing a request for reexamination	
1804	920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251	110	251 55	E-extension for reply within first month	
1252	110	252 205	E-extension for reply within second month	205 00
1253	930	253 465	E-extension for reply within third month	
1254	1,450	254 725	E-extension for reply within fourth month	
1255	1,970	255 965	E-extension for reply within fifth month	
1401	320	401 160	Notice of Appeal	
1402	320	402 160	Filing a brief in support of an appeal	
1403	280	2402 140	Request for oral hearing	
1451	1,510	451 1,510	Petition to institute a public proceeding	
1452	110	452 55	Petition to revive - unavailable	
1453	1,300	452 650	Petition to revive - unintentional	
1501	1,300	501 650	Utility issue fee (or issue fee)	
1502*	470	500 225	Design issue fee	
1503	630	503 315	Plant issue fee	
1460	130	1460 130	Petitions to the Commissioner	
1807	50	1807 50	Processing fee under 37 CFR 1.17(f)	
1906	180	1806 180	Submission of Information Disclosure Stmt	
8021	40	8021 40	Recording each patent assignment per property (times number of properties)	
1809	750	2,009 375	Filing a submission after final rejection (37 CFR § 1.129(g))	
1810	750	2,810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	1801 375	Request for Continued Examination (RCE)	
1802	900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 205)

**SUBMITTED BY**

Name (Print/Type)	Signature	Registration No./Attorney/Agent	Complete if applicable
Kenneth Y. Lo Fo		51,961	
Edward A. Hennington		32,588	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203a.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-7999) and select option 2.

RECEIV  
AUG 25 2003TECH CENT  
R 1 -



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
Barry N. Kreiswirth et al. : Attorney Docket: 19124.0012  
Application No.: 10/073,256 : Art Unit: 1631  
Filed: February 13, 2002 : Examiner: C. Ly  
For: SYSTEM AND METHOD FOR TRACKING AND CONTROLLING INFECTIONS

**RESPONSE TO ELECTION /RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Election/Restriction Requirement under 35 U.S.C. § 121 mailed on June 10, 2002, Applicants submit the following response for entry and consideration during the examination of the above-identified application.

RECEIVED

AUG 2 2003

TECH CENTER

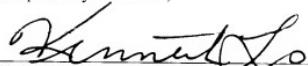
**REMARKS**

Applicants hereby provisionally elect, with traverse, claims 13, 25, 38 and 50, corresponding to Group II, drawn to a method for identifying and tracking an outbreak of an infection caused by an organism. Applicants also make a species election of Species C: *Staphylococcus aureus* and a sequence election of SEQ ID NO 54.

A Request for a 2-month Extension of Time is included herewith with authorization for appropriate fee. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin Shreff Friedman, LLP Deposit Account No. 195127, Order No. 19124.0012.

Respectfully submitted,

Date: August 22, 2003

  
Kenneth Y. Lo, Reg. No. 51,961

For: Edward A. Pennington, Reg. No. 32,588  
Swidler Berlin Shreff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007-5116  
Telephone: 202 424-7500  
Facsimile: 202 295-8478